

## Kentucky seeks more money to reclaim abandoned mines

By Alan Maimon, The Courier-Journal



SPEWING CAMP BRANCH, Ky. -- The stream through Roland Howell's apple treelined hollow in Floyd County has run from blood red to murky orange for nearly 25 years, a legacy of a nearby unreclaimed surface mine.

A few hundred yards from Howell's home, a mountain of coal waste has been slowly eroding since the Island Creek Coal Co. mined the site in the 1970s. The sediment has killed all aquatic life and clogged the stream, causing periodic flooding.

Neighbors complain about the stench of sulfur, and the mine property has turned into an illegal dump littered with old furniture, pieces of roofing and other debris. "We want it reclaimed," said Howell, a former Island Creek bulldozer operator who has lived in Eastern Kentucky all of his 69 years. "It stinks like hell. They keep saying they'll do it, but they haven't yet."

A fund to restore such abandoned mine property holds \$1.5 billion raised from a tax on coal companies, but Congress and the White House for years have resisted spending all the money, to help balance the federal budget. Now the Bush administration has proposed cutting reclamation spending next year.

Environmentalists and the coal industry, who rarely agree on anything, both are calling for increased spending, as are members of Kentucky's congressional delegation.

"Only a few people live in these places, so nobody cares," said Patty Amburgey, a member of the environmental group Kentuckians For The Commonwealth. She said abandoned strip mines have destroyed some communities that are too small to overcome the damage left behind.

"We should have some sort of requirement that would put the money into a state fund," said Kentucky Republican Sen. Jim Bunning, who introduced a bill last year to require Congress to pay states the entire amount in the fund. With a federal surplus, he said, it makes more sense to use the money than to hold it for a deficit that no longer exists.

But Dan Lytton, team leader for the Interior Department's abandoned mine lands program at the Office of Surface Mining, said appropriations to states from the reclamation fund involve a complex balancing act of various federal budget needs.

"If you increase appropriations for the abandoned mine lands fund, then you have to make cuts somewhere else," Lytton said. "If you spend the whole surplus, someone else will lose \$1.5 billion."

Cleaning up the Floyd County property falls under the federal Surface Mining Control and Reclamation Act, a 1977 law that has provided more than \$2.9 billion in grants to reclaim mine sites abandoned before the law passed. More than 140,000 acres have been cleaned up under the program.

Steve Hohmann, director of the Kentucky Division of Abandoned Mine Lands, describes the Spewing Camp Branch site as the worst remaining unreclaimed surface mine in Eastern Kentucky. Reclaiming it will cost at least \$2.5 million, a sizeable chunk of the \$17 million that Kentucky is to get next year from the federal reclamation program.

"We're inching ever closer to getting it reclaimed, but nonetheless it's still there because of the price tag on it," Hohmann said.

The Federal Office of Surface Mining estimates that \$1 billion is still needed to reach the \$2.5 billion required to complete the cleanup of all 11,000 abandoned coal mine sites in the country. About 1,000 sites are in Kentucky, which OSM ranks third in need, behind Pennsylvania and West Virginia, at \$325 million.

---

**"Only a few people live  
in these places, so  
nobody cares"**

**Patty Amburgey, a  
member of an  
environmental group**

---

"There has not been enough money allocated to Kentucky to address all the reclamation needs," said Mark York, spokesman for the Kentucky Natural Resources and Environmental Protection Cabinet.

At a congressional budget hearing two months ago, senators led by West Virginia's Robert Byrd repeatedly questioned Interior Secretary Gale Norton about why the Bush administration proposed slashing the reclamation program next year to \$124 million from \$171 million. The administration has proposed using the coal industry tax that finances the reclamation fund to offset spending on other programs and to help balance the federal budget, a task made more daunting by the tax cut just passed by Congress.

"Obviously we would have liked an increase," said Jim Zoia, Democratic staff director for the House Resources Committee. "The money is being used to make the overall budget picture rosier." Lytton, the OSM team leader, said the full amount in the reclamation fund hasn't been allocated since the early years of the program. "That's because of competing interests, especially recently with the emphasis on a balanced budget," he said.

But Bunning, concerned about environmental damage, believes states should get priority and should take over responsibility from the federal government for managing the fund.

"Our water table is being affected dramatically by not reclaiming these sites," said Bunning, whose bill to allocate the fund failed to get out of committee last year. He said he may try again this year. "We want back the money we put in."

Kentucky coal operators pay more than \$30 million a year into the abandoned mine lands fund, according to Bunning's office.

His proposal would accomplish what a lawsuit filed in Kentucky by the coal industry last year sought -- to force the federal government to pay out the entire fund. The case was dismissed by U.S. District Judge Joseph Hood, but the ruling is being appealed, said David Gooch, president of the Kentucky Coal Council.

Gooch said such lands need to be reclaimed so the image of the coal industry does not suffer. "If the money would come back to the state, they could get rid of every one in their inventory," he said.

The reclamation law specifies that 50 percent of fees collected in each state go to that state. The remaining 50 percent is to complete high-priority and emergency projects. Hohmann said the Spewing Camp Branch project is long overdue because the site is more than just an eyesore. Since it is one of the few parcels of flat land in the area, local children use it as a playground; a basketball hoop has been erected near the refuse pile.

"No one would want to live near this," Hohmann said. "It has an adverse impact on public health and safety."

Brett Davis, deputy Floyd County judge-executive, said the county is at the mercy of the government. "It's a huge cleanup," Davis said. "The state has suggested that it will take a lot more money than they have available."

Howell, impatient with the delay, convinced the county to let him install pipes to get clean municipal water. But his cousin Donnie, who lives nearby, still uses a well with water tainted by mine drainage. Howell said he no longer pays attention when inspectors visit. "They come and look around, but they don't do anything," he said. "I got so tired of it, I just tell 'em to go away when they come now."

Island Creek Coal was bought in 1993 by Pittsburghbased Consol Energy. But because the Floyd County property was mined before the 1977 reclamation law was passed, Consol Energy assumed no responsibility for the site, said company spokesman Thomas Hoffman. The abandoned mine lands program is set to expire in 2004. But Rep. Nick Rahall, DW.Va., has introduced a bill to extend it to 2011.

The extension faces an uphill fight in the Republican-controlled House, especially since coal-mining states in the West have largely completed their reclamation projects. "If it's not extended, you'll have a lot of sites that won't be reclaimed," said Zoia, the Democratic staff director who also is a former Rahall aide.

But Rep. Harold "Hal" Rogers, a Republican whose 5th District includes Eastern Kentucky, is a strong supporter of keeping the program. At Rogers' request, the House Appropriations subcommittee on the interior voted this month to boost the program's budget to about \$203 million next year.

"It's vital that this program be extended before the sunset date," said Dan DuBray, Rogers' spokesman. "If it's not, there will be unmet needs."

Lytton said OSM also supports the extension. "If the program were extended, a lot more work could be done," he said.